

Foundations of Freedom; 28

OR AN
A G R E E M E N T
O F T H E
P E O P L E :

Proposed as a Rule for future
Government in the Establishment of
Jo. yaly. a firm and lasting P E A C E.

Drawn up by severall wel-affected Persons, and
rendered to the consideration of the

Generall Councell of the ARMY.

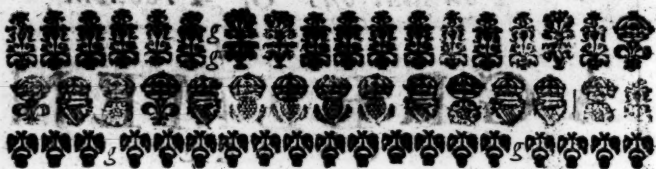
And now offered to the Consideration of all Persons
who are at liberty by Printing or otherwise, to
give their Reasons, for, or against it.

Unto which is annexed severall Grievances by
some Persons, offered to be inserted in the said
Agreement, but adjudged only necessary to
be insisted on, as fit to be removed by the next

R E P R E S E N T A T I V E S .

Published for Satisfaction of all honest Interests.

London, Printed for R. Smithurst, 1648.



The Publisher to the Judicious Reader.

Dear Country man,

THis agreement having had its conception for a common good, as being that which contains those Foundations of freedom, and Rules of Government, adjudged necessary to be established in this Nation for the future, by which all sorts of men are to be bound, I adjudged it a just and reasonable thing to publish it to the view of the Nation, to the end that all men might have an opportunity to consider the Equity thereof, and offer their Reasons against any thing therein contained, before it be concluded; That being agreeable to that Principle which we profess, viz. to do unto you, as we would all men should do unto us; nor doubting but that the Justice of it will be maintained and cleared, mangle the opposition of the stoutest Calumniator, especially in those clear points in the Reserve so much already controverted, viz. touching the Magistrass power to compel or restrain in matters of Religion, and the exercise of an arbitrary power in the Representative, to punish men for state offences, against which no law hath provided; which two things especially are so clear to my understanding, that I dare with confidence aver, That no man can demand the exercise of such a power, but he that intends to be a Tyrant, nor no man part with them, but he that resolves to be a slave, And so at present I rest,

Friday, Decemb.
15. 1648.

Thy true hearted
Countryman.

AN

*An Agreement of the People of England, and the places
therewith Incorporated, for a firm and present Peace,
upon Grounds of Common-Right and Freedom.*

HAVING by our late labors and hazards made it appear to the world, at how high a rate we value our just Freedoms, and God having so farre owned our cause, as to deliver the enemies thereof into our hands; we do now hold our selves bound, in mutuall duty to each other, to take the best care we can for the future to avoid both the danger of returning into a slavish condition, and the chargeable remedy of another Warre: For as it cannot be imagined that so many of our Countrymen would have opposed us in this quarrel, if they had understood their own good, so may we safely promise to our selves, that when our common Rights and Liberties shall be cleared, their endeavors will be disappointed, that seek to make themselves our Masters: Since therefore our former expressions, and not yet ended troubles have been occasioned, either by want of frequent National meetings in Council, or by the undue or unequal constitution thereof, or by rendering those meetings ineffectual; we are fully agreed and resolved to provide, that hereafter our Representatives be neither left for uncertainty for time, nor be unequally constituted, nor made useles to the end for which they are intended.

In order whereunto we declare and agree,

I. That to prevent the many inconveniencies apparently arising from the long continuance of the same persons in authority, this present Parliament be dissolved upon or before the last day of April, in the year of our Lord, 1649.

II. That the people of England being at this day very unequally distributed, by Counties, Cities, or Boroughs for the election of their Representatives, be more indifferently proportioned, and to this end, That the Representative of the whole Nation, shall consist of 300 persons; and in each County, and the places thereto subjoynd, there shall be chosen to make up the said Representative at all times, the severall numbers hereunder mentioned.

V I Z.

The County of Kent, with the city of Rochester, and the Boroughs, Towns, and Parishes therein 11
The city of Canterbury 1
The county of Suffex, with the city, boroughs, towns and parishes therein 7
The county town of Southampton 1
The county of Southampton, with the boroughs, towns, and parishes therein 6
The county of Dorset, with the town of Pool, and all other boroughs, towns, and parishes therein 6
The city of Exeter 2
The county of Devon, with the boroughs, towns and parishes therein, except Plymouth 11
The town of Plymouth 1
The county of Cornwall, with the boroughs, towns and parishes therein 6

The city of Bristol 3
The county of Somerset, with the cities of Bath and Wels, and the boroughs, towns and parishes therein, except Taunton 8
The town of Taunton 1
The city of Salisbury 1
The county of Wilts, with the boroughs towns and parishes therein 7
The county of Berks, with the boroughs, towns and parishes therein, except Reading 6
The town of Reading 1
The county of Surrey, with all the boroughs, towns, and parishes therein, except Southwark 5
The Burrough of Southwark 2
The county of Hertford, with the Burroughs, towns, and parishes therein 8

The city of London	1	parishes therein, except	10	and parishes therein	9
The city of Westminster	1	Ipswich	10	The town of Newcastle	1
The county of Middlesex	1	The town of Ipswich	1	The town of Berwick	1
with the towns and parishes therein	1	The city of Norwich	2	The county of Northumberland, with the other boroughs, towns, and parishes therein	2
The county of Buckingham	1	The county of Norfolk, with the boroughs, towns, and parishes therein	9	The county of Cumberland, with the boroughs, towns, & parishes therein	2
with the boroughs, towns, and parishes therein	8	The county of Lincoln, with the city, boroughs, towns, & parishes therein	11	The county of Westmerland, with the boroughs, towns, & parishes therein	2
The city of Oxon	1	The county of Rutland, with the boroughs, towns, and parishes therein	2	The county of Anglesey, with the boroughs, towns, and parishes therein	1
The University of Oxon	1	The county of Huntingdon, with the boroughs, towns, and parishes therein	3	The county of Brecknock, with the boroughs, towns, and parishes therein	2
The county of Oxford, with the boroughs, towns, and parishes therein	4	The borough of Leicester	1	The county of Cardigan, with the boroughs, towns, and parishes therein	2
The city of Gloucester	1	The county of Leicester, with other boroughs, towns & parishes therein	3	The county of Carmarthen, with the boroughs, towns, and parishes therein	2
The county of Gloucester, with the boroughs, towns, and parishes therein	7	The county of Northampton, with boroughs, towns & parishes therein	5	The county of Carnarvon, with the boroughs, towns, and parishes therein	1
The city of Hereford	1	The county of Derby, with the boroughs, towns, and parishes therein	6	The county of Denbigh, with the boroughs and parishes therein	1
The county of Hereford, with the boroughs, towns, and parishes therein	4	The county of Seafford, with the city of Lichfield, and the boroughs, towns, and parishes therein	5	The county of Flint, with the borough and parishes therein	1
The city of Worcester	1	The county of Salop, with the boroughs, towns, and parishes therein	5	The county of Monmouth, with the boroughs and parishes therein	3
The county of Worcester, with the towns, boroughs and parishes therein	5	The town of Shrewsbury	1	The county of Glamorgan, with the Burroughs, and Parishes therein	2
The city of Coventry	1	The city of Chester	2	The county of Merioneth, with the Burroughs, and Parishes therein	1
The county of Warwick, with the boroughs, towns, and parishes therein	5	The county of Cheshire, with the boroughs, towns, and parishes therein	4	The county of Montgomery, with the Burroughs, and Parishes therein	2
The town of Northampton	1	The county of Lancaster, with the boroughs, towns, and parishes therein	7	The county of Radnal, with the Burroughs, and Parishes therein	2
The county of Northampton, with the boroughs, towns & parishes therein	5	The city of York	2	The county of Pembroke	1
The county of Bedford, with the boroughs, towns, and parishes therein	5	The town of Kingston upon Hull	1		
The University of Cambridge	1	The county of York, with the boroughs, towns, and parishes therein	13		
The town of Cambridge	1	The county of Durham, with the city of Durham, and the boroughs, towns,			
The county of Cambridge, with the boroughs, towns, and parishes therein	4				
The county of Essex, with the boroughs, towns, and parishes therein, except Colchester	10				
The town of Colchester	1				
The county of Suffolk, with the boroughs, towns, and					

The manner of Elections.

- T**Hat the Electors in every Division, shall be Natives or Denizens of *England*, such as have subscribed this Agreement; nor persons receiving Alms, but such as are assessed ordinarily towards the relief of the poor; nor servants to, or receiving wages from any particular person. And in all Elections (except the Universities) they shall be men of one and twenty years old, or upwards, and Housekeepers, dwelling within the Division, for which the Election is: Provided, That until the end of seven years next ensuing the time herein limited; for the end of this present Parliament, no person shall be admitted to, or have any hand or voice in such Elections, who have adhered to, or assisted the King against the Parliament in any of these Wars or Insurrections; or who shall make or joyn in, or abet any forcible opposition against this Agreement; and that such as shall not subscribe it before the time limited, for the end of this Parliament, shall not have Vote in the next Election; neither, if they subscribe afterwards, shall they have any voice in the Election next succeeding their subscription, unless their subscription were six months before the time.
2. That until the end of fourteen years, such persons, such onely, may be elected for any Division, who by the rule aforesaid, are to have voice in Elections in one place or other: Provided, That of those, none shall be eligible for the first or second Representatives, who have not voluntarily assisted the Parliament against the King, either in person before the fourteenth of June, 1645. or else in Money, Plate, Horse, or Arms, leant upon the Propositions before the end of May, 1643. or who have joyned in, or abetted the Treasonable Engagement in London, in the year 1647. or who declared or engaged themselves for a Cessation of Arms with the Scots, who invaded the Nation the last Summer, or for compliance with the Actors in any the Insurrections of the same Summer, or with the Prince of Wales, or his accomplices in the revolted Fleet.
3. That whoever, being by the Rules in the two next preceding Articles incapable of Election, or to be elected, shall assume to Vote in, or be present at such Elections for the first or second Representative, or being elected, shall presume to sit or Vote in either of the said Representatives, shall incur the pain of confiscation of the moiety of his estate visible, to the value of fifty pounds. And if he have not such an estate, then he shall incur the pain of imprisonment for three months. And if any person shall forcibly oppose, molest, or hinder the people (capable of electing as aforesaid) in their quiet and free Election of their Representatives; then each person so offending, shall incur the pain of confiscation of his whole estate, both real and personal; and if he have not an estate, to the value of fifty pound, shall suffer imprisonment, during one whole year, without bayl; or imprisonment: Provided, That the offender in each such case, be convicted within three months, next after the committing of his offence.
4. That for the more convenient Election of Representatives, each County, with the severall places thereto conjoynd, wherein more then three Representatives are to be chosen, shall be divided by a due proportion in so many parts, as each part may elect two, and no part above three Representatives. And for the making of these Divisions, two persons be chosen in every Hundred, Lath, or Wapentake, by the people therein (capable of election, as aforesaid) which people shall on the last Tuesday in February next, between eleven and three of the clock, be assembled together for that end at the chief Town, or usual meeting place in the same Hundred, Lath or Wapentake: And that the persons in every Hundred, Lath or Wapentake so chosen, or the major part of them, shall on the 14. day after their election, meet at the common Hall of the County-Town, and divide the County into parts, as aforesaid, and also appoint a certain place in each respective part or Division, wherein the people shall alwayes meet for the choice of their Representatives,

the Parliament Records in writing under the hands and seals of the major part of them present; and also cause the same to be published in every Parish in the County before the end of March now next ensuing: And for the more equall division of the City of London for the choice of its Representatives, there shall one person be chosen by the people in every Parish in the said City (capable of Election, as aforesaid) upon the last Tuesday in February aforesaid, on which day they shall assemble in each Parish for the same purpose; between 2 and 4 of the clock; and that the persons so chosen; or the major part of them; shall upon the fourteenth day after their election, meet in the Guild-Hall of the said city, and divide the same city into eight equall Parts or Divisions, and appoint a certain place in every Division respectively, wherein the people of that Division shall always meet for the choice of their Representatives; and shall make Return thereof, and cause the same to be published in the manner prescribed to the severall counties; as in this Article.

5. That for the better provision for true and certain Returns of persons elected, the chief publick Officer in every Division aforesaid, who shall be present at the beginning of the Election, and in absence of every such Officer, then any person eligible as aforesaid, whom the people at that time assembled shall choose for that end, shall regulate the Elections, and by poll or otherwise cleerly distinguish and judge thereof, and make true Return thereof in writing indented under the hands and seals of himself, and of six or more of the Electors, into the Parliaments Records, within 21 days after the Election; and for default thereof, or for making any false Return, shall forfeit 100 l. to the Publick use.

III. That 153 Members at least be always present in each sitting of the Representatives at the passing of any Law, or doing of any Act whereby the people are to be bound.

I V. That every Representative shall within 20 days after their first meeting, appoint a Council of State for the manning of publick Affairs, untill the first day of the next Representative, and the same council to act and proceed therein according to such Instructions and Limitations as the Representatives shall give, and not otherwise.

V. That to the end all Officers of State may be certainly accomptable, and no factions made to maintain corrupt interests, no Member of a council of State, nor any Officer of any salary Forces in Army or Garison, nor any Treasurer or Receiver of any Publick moneys, shall (while such) be elected to be a Representative: And in case any such Election shall be, the same to be void; and in case any Lawyer shall be chosen of any Representative or councill of State, then he shall be incapable of practice as a Lawyer, during that trust.

VI. That the power of the peoples Representatives extend (without the consent or concurrence of any other person or persons) to the enacting, altering, repealing and declaring of Laws; to the erecting and abolishing Officers of courts of Justice, and to whatsoever is not in this Agreement excepted or reserved from them.

As particularly,

1. We do not empower our Representatives to continue in force or make any Laws, Oaths, and covenants, whereby to compel by penalties or otherwise, any person to any thing in or about matters of Faith, Religion or Gods Worship, or to restrain any person from the professing his Faith, or exercise of Religion according to his conscience, in any house or place (except such as are or shall be set apart for the publick Worship): Nevertheless, the instruction or directing of the Nation in a publick way, for the matters of Faith, Worship or Discipline (so it be not compulsive, or expresse Popery) is referred to their discretion.

2. We do not empower them to impresse or constrain any person to serve in War either by Sea or Land; every mans conscience being to be satisfied in the justnesse of that cause wherein he hazards his life.

3. Ta

3. That after the dissolution of this present Parliament, none of the people be at any time questioned for any thing said or done in reference to the late Wars or publick differences, otherwise then in execution or pursuance of the determination of the present House of commons, against such as have adhered to the king, or his interest against the People: And saving that Accomptants for publick moneys received, shall remain accountable for the same.

4. That in all Laws hereafter to be made, no person by vertue of any Tenure, Grant, Charter, Patent, Degree or Birth, shall be privileged from subjection thereto, or being bound thereby as well as others.

5. That all Priviledges or Exemptions of any persons from the Laws, or from the ordinary course of legall proceedings, by vertue of any Tenure, Grant, Charter, Patent, Degree or Birth, or of any place of residence or refuge, shall be henceforth void and null, and the like not to be made nor revived again.

6. That the Representatives intermeddle not with the execution of Laws, nor give judgement upon any mans person or estate, where no Law hath been before provided; save onely in calling to an account, and punishing publick Officers for abusing or failing their trust.

7. That no Member of any future Representative be made either Receiver, Treasurer or other officer during that employment, saving to be a member of the council of State.

8. That no Representative shall in any wise render up, or give or take away any the foundations of Common Right, Liberty or Safety contained in this Agreement, nor shall levell mens Estates, destroy Propriety, or make all things common.

VII. That the council of State, in case of imminent danger or extream necessity, may in each Interval summon a Representative to be forthwith chosen, and to meet, so as the Sessions thereof, continue not above forty dayes, and so it dissolve two months before the appointed time for the meeting of the next Representative.

VIII. That all securities given by the Publick Faith of the Nation, shall be made good by the next and all future Representatives, save that the next Representative may continue or make nul in part or in whole, all gifts of moneys made by the present House of commons to their own Members, or to any of the Lords, or to any of the Attendants of either of them.

IX. That every Officer or Leader of any Forces in any present or future Army or Garrison that, shall resist the Orders of the next, or any future Representative (except such Representatives shall expressly violate this Agreement), shall forthwith after his or their resistance, by vertue of this Agreement, lose the benefit and protection of all the Laws of the Land, and die without mercy.

These things we declare to be essentiall to our just Freedoms, and to a through composition of our long and woful distractions. And therefore we are agreed and resolve d to maintain these certain Rules of Government, and all that joyn therein, with our utmost possibilities, against all opposition whatsoever.

These following Particulars were offered to be inserted in the Agreement, but judged fit, as the most eminent grievances, to be redressed by the next Representative.

1. It shall not be in their power to punish, or cause to be punished, any person or persons, for refusing to answer to Questions against themselves in Criminal cases.

2. That it shall not be in their power to continue or constitute any proceedings in Law, that shall be longer then three or four months, in finally determining of any Cause past all Appeal, or to continue the Laws (or proceedings therein) in any other Language then in the English Tongue,

3. It shall not be in their power to continue or make any Laws, to abridge any person from trading unto any parts beyond the Seas, unto which any are allowed to trade, or to restrain trade at home.

4 It shall not be in their power to continue Excise longer than 20 days after the beginning of the next Representative, nor to raise moneys by any other way, except by an equal rate proportionably to mens real or personal estates, wherein all persons not worth above thirty pounds, shall be exempted from bearing any part of publike charge, except to the poor, and other accustomed charge of the place where they dwell.

5 It shall not be in their power to make or continue any Law, whereby mens estates, or any part thereof, shall be exempted from the payment of their debts; or to continue or make any Law to imprison any mans person for debts of any nature.

6 It shall not be in their power to make or continue any Law for taking away any mans life, except for Murder, or for endeavouring by force to destroy this Agreement; but shall use their uttermost endeavour to propound punishment equal to offences; that so mens lives, limbs, limbs, liberties and estates may not, as hitherto, be liable to be taken away upon trivial or slight occasion; and shall have special care to keep all sorts of people from Misery and Beggery.

7 They shall not continue or make a Law to deprive any person, in Case or Trial, from the benefit of Witnesses, as well for as against him.

8 They shall not continue the burthen and oppression of Tyrbes longer then to the end of the first Representative; in which time they shall provide for and satisfy all Impropriators: Neither shall they force any persons to pay toward the maintenance of the publike Ministers, who out of conscience cannot submit thereto; but shall provide for them in some other unoppressive way.

9 They shall not continue or make a Law for any other ways of Judgement or Conviction of life, liberty or estate, but only by twelve sworn men of the Neighbourhood.

10 They shall not continue or make a Law to allow any person to take above six pound per cent. for loan of money for a year.

11 They shall not disable any person from bearing any Office in the Common-wealth for any opinion or practice in Religion, though contrary to the publike way.

Unto these I shall adde,

I. That the next Representative be most earnestly pressed for the ridding of this kingdom of those vermine and caterpillars, the Lawyers, the chief bane of this poor Nation; to erect a Court of Justice in every Hundred in the Nation, for the ending of all Differences arising in that Hundred, by twelve men of the same Hundred, annually chosen by Free-men in that Hundred, with expresse and plain Rules in English, made by the Representative, or supreme Authority of the Nation, for them to guide their Judgements by.

II. That for the preventing of Fraud, Thefts and Deceits, there be forthwith in every County or Shire in England and the Dominion of Wales, erected a County-Record for the perfect registring of all Conveyances, Bills, Bonds, &c. upon a severe and strict penalty.

III. That in case there be any need, after the erection of Hundred-Courts, of Majors Sheriffs Justices of the Peace Deputy Lieutenants, &c. that the people capable of Parliament-men, in the foregoing Agreement, be restored by the Representative, unto their native just and undoubted Right, by common consent, from amongst themselves annually to chuse all the foresaid Officers in such manner as shall be plainly and clearly described, and laid down by the supreme Authority of the Nation: And that when any Subsidies or publike Taxes be laid upon the Nation, the Freemen of every Division or Hundred, capable of Election as aforesaid, chuse out persons by common consent from amongst themselves, for the equal division of their Assessments.

IV. That the next Representative be earnestly desired to abolish all base Tenures,

FINIS.

